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GOVERNOR

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March 3, 2005

The Honorable Michael K. Powell
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

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Federal Communications Commission
Office of the Secretary

Dear Chairman Powell:

It is my understanding that the Commission will shortly issue a decision, possibly as early as March 10, in connection with the "Truth In Billing" proceeding, which was initiated by a petition of the National Association of State Utility Consumer Advocates. The petition asked the FCC to put an end to widespread billing abuses of wireless and landline carriers, including deceptive, fictitious and inflated line item surcharges on customer bills. Based on recent press reports, it appears entirely possible that the expected Order will fail to adequately protect wireline consumers and, for the first time, preempt states from adopting rules to protect wireless consumers from such abuses.

Such a decision by the Commission would be very harmful to Maine. This is especially the case in view of a major initiative that I have undertaken, announced last week and in my State of the State Address of January 25, to make wireless services more transparent through disclosure of coverage areas. It may also contravene the intention underlying Maine's recent participation in a multi-state action by state Attorneys General against large wireless carriers, which charged that those wireless carriers were failing to make proper disclosures and to provide fair terms in their wireless service contracts. In addition, the Maine Public Utilities Commission has made substantial progress in obtaining compliance from certain ETC wireless carriers with respect to their adherence to fair billing and collection standards that already apply to wireline phone companies.

If the Commission in fact rejects the remedies sought in the "Truth in Billing" petition, all such progress would be reversed and Maine would be powerless to apply even minimal fairness standards to wireless carriers. This will leave the citizens of this state in their current uncomfortable quandary: being subjected to a series of surcharges on monthly telephone bills that correspond to no state or federal requirement and that enables carriers to advertise per-minute rates that can never correspond to actual charges. The FCC needs to do better than to permit these unacceptable practices to continue without correction.

For each of these reasons, I urge you not to issue a decision on March 10 that rejects the "Truth in Billing" remedies, and reconsider any plan to preempt states from applying fair consumer protection standards to wireless carriers.

Sincerely,

John E. Baldacci
Governor

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